

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

CHRISTIAN F HOLINKA

X Index No.: 06114120

Date Filed:

Plaintiff(s),

Plaintiff Designates

NEW YORK

-against-

County as the Place of Trial

The Basis of Venue is  
Defendants' Place of Business

A.W. CHESTERTON COMPANY,  
AMCHEM PRODUCTS, INC.,  
n/k/a RHONE POULENC AG COMPANY,  
n/k/a BAYER CROPSCIENCE INC.,  
ANCHOR PACKING COMPANY,  
AQUA-CHEM, INC.,  
BAXTER HEALTHCARE CORPORATION,  
Individually and as successor in interest to AMERICAN  
HOSPITAL SUPPLY CORP.  
and AMERICAN SCIENTIFIC  
PRODUCTS,  
BAXTER INTERNATIONAL INC.,  
Individually and as successor in interest to  
AMERICAN HOSPITAL SUPPLY CORP.,  
and AMERICAN SCIENTIFIC PRODUCTS,  
BECKMAN COULTER, INC.,  
CBS CORPORATION, a Delaware Corporation,  
f/k/a VIACOM INC. successor by merger to CBS  
CORPORATION, a Pennsylvania Corporation,  
f/k/a WESTINGHOUSE ELECTRIC CORPORATION,  
CERTAIN TEED CORPORATION,  
CORNING GLASS,  
k/n/a CORNING INCORPORATED,  
E.I. DUPONT DE NEMOURS and COMPANY,  
EMPIRE-ACE INSULATION MFG. CORP.,  
FISHER SCIENTIFIC INTERNATIONAL INC.,  
GARLOCK SEALING TECHNOLOGIES LLC,  
f/k/a GARLOCK INC.,  
INGERSOLL-RAND COMPANY,  
J.H. FRANCE REFRACTORIES COMPANY,  
KEWAUNEE SCIENTIFIC CORPORATION,  
LENNOX INDUSTRIES, INC.,  
MANORCARE HEALTH SERVICES, INC.,  
d/b/a MANOR CARE, INC.,  
Individually and as successor to  
PRECISION-COSMET COMPANY, INC.,  
CENTRAL SCIENTIFIC COMPANY,  
a division of CENCO INCORPORATED;  
CENTRAL SCIENTIFIC COMPANY,  
a division of CENCO INSTRUMENTS CORPORATION,  
PREMIER REFRACTORIES, INC.,  
f/k/a ADIENCE, INC.,

**FILED**  
SEP 29 2006  
NEW YORK  
COUNTY CLERKS OFFICE

f/k/a BMI,  
RAPID-AMERICAN CORPORATION,  
RHEEM MANUFACTURING COMPANY, INC.,  
Individually and as successor to  
RHEEM MANUFACTURING COMPANY,  
as successor by merger to CIVESTCO, INC.,  
UNIVAR USA INC.,  
Individually and as successor to VAN WATERS  
& ROGERS INC., BRAUN CHEMICAL COMPANY  
and WILL SCIENTIFIC, INC.,  
VWR INTERNATIONAL, INC.,

Defendants.

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To the above named Defendant(s)

**You are hereby summoned** to answer the **verified** complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated, September 29, 2006  
New York, New York

Defendant's address:

**SEE ATTACHED DEFENDANTS RIDER**

WEITZ & LUXENBERG, P.C.  
Attorney(s) for Plaintiff  
Post Office Address  
180 Maiden Lane  
New York, New York 10038  
(212) 558-5500

**DEFENDANTS' RIDER**

**A.W. CHESTERTON COMPANY**

Joseph E. Riley  
225 Fallon Road  
Stoneham, MA 02180

**AMCHEM PRODUCTS, INC.,**

**n/k/a RHONE POULENC AG COMPANY,**

**n/k/a BAYER CROPSCIENCE INC.**

41 State Street  
Albany, NY 11207

**ANCHOR PACKING COMPANY**

CT Corporation System  
1635 Market Street  
Philadelphia, PA 19103

**AQUA-CHEM, INC.**

7800 North 113th Street  
Milwaukee, WI 53224

**BAXTER HEALTHCARE CORPORATION,**

**Individually and as successor in interest to AMERICAN  
HOSPITAL SUPPLY CORP. and AMERICAN SCIENTIFIC  
PRODUCTS**

1 Baxter Parkway  
Deerfield, IL 60015

**BAXTER INTERNATIONAL INC.,**

**Individually and as successor in interest to  
AMERICAN HOSPITAL SUPPLY CORP.,  
and AMERICAN SCIENTIFIC PRODUCTS**

One Baxter Parkway  
Deerfield, IL 60015

**BECKMAN COULTER, INC.**

2500 Harbor Boulevard  
Fullerton, CA 92634

**CBS CORPORATION, a Delaware Corporation,**

**f/k/a VIACOM INC. successor by merger to CBS**

**CORPORATION, a Pennsylvania Corporation,**

**f/k/a WESTINGHOUSE ELECTRIC CORPORATION**

Asbestos Litigation Support Manager

ECKERT SEAMANS CHERIN & MELLOTT, LLC

Case Management & Technology Center

USX Towers

600 Grant Street

Pittsburgh, PA 15219

**CERTAIN TEED CORPORATION**

CT Corporation System  
111 8th Avenue  
New York, NY 10011

**CORNING GLASS,  
k/n/a CORNING INCORPORATED**

Attn: Secretary  
One Riverfront Plaza  
Corning, NY 14831

**E.I. DUPONT DE NEMOURS and COMPANY**

1007 Market Street  
Room 8042  
Wilmington, DE 19898

**EMPIRE-ACE INSULATION MFG. CORP.**

c/o THE SECRETARY OF STATE  
41 State Street  
Albany, NY 12207

**FISHER SCIENTIFIC INTERNATIONAL INC.**

One Liberty Lane  
Hampton, NH 03842

**GARLOCK SEALING TECHNOLOGIES LLC,  
f/k/a GARLOCK INC.**

CT Corporation System  
111 8th Avenue  
New York, NY 10011

**INGERSOLL-RAND COMPANY**

CT Corporation Systems  
111 8th Avenue  
New York, NY 10011

**J.H. FRANCE REFRACTORIES COMPANY**

SPECIAL CLAIMS SERVICES, INC.  
809 Coshocton Avenue  
Suite 1  
Mount Vernon, OH 43050-1931

**KEWAUNEE SCIENTIFIC CORPORATION**

2700 West Front Street  
Statesville, NC 28677

**LENNOX INDUSTRIES, INC.**

80 State Street  
Albany, NY 12207

LAW OFFICES  
OF  
WEITZ  
&  
LUXENBERG, P.C.  
180 MAIDEN LANE  
NEW YORK, N.Y. 10038

**MANORCARE HEALTH SERVICES, INC.,**  
d/b/a MANOR CARE, INC., Individually and as successor to  
PRECISION-COSMET COMPANY, INC., CENTRAL  
SCIENTIFIC COMPANY, a division of CENCO  
INCORPORATED; CENTRAL SCIENTIFIC COMPANY, a  
division of CENCO INSTRUMENTS CORPORATION

333 N. Summit Street  
P.O. Box 10086  
Toledo, OH 43699-0086

**PREMIER REFRACTORIES, INC.,**  
f/k/a ADIANCE, INC., f/k/a BMI  
Special Claims Services, Inc.  
809 Coshocton Avenue, Suite 1  
Attention: Donald E. Ward, President  
Mount Vernon, OH 43050

**RAPID-AMERICAN CORPORATION**  
2711 Centerville Road  
Wilmington, DE 19808

**RHEEM MANUFACTURING COMPANY, INC.,**  
Individually and as successor to RHEEM  
MANUFACTURING COMPANY, as successor  
by merger to CIVESTCO, INC.  
405 Lexington Avenue  
22nd Floor  
New York, NY 10174-0307

**UNIVAR USA INC.,**  
Individually and as successor to VAN WATERS  
& ROGERS INC., BRAUN CHEMICAL COMPANY  
and WILL SCIENTIFIC, INC.  
6100 Carillon Point  
Kirkland, WA 98033

**VWR INTERNATIONAL, INC.**  
1310 Goshen Parkway  
West Chester, PA 19380

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
CHRISTIAN F HOLINKA

Index No.:

Date Filed:

Plaintiff(s),

-against-

**VERIFIED  
COMPLAINT**

A.W. CHESTERTON COMPANY,  
AMCHEM PRODUCTS, INC.,  
    n/k/a RHONE POULENC AG COMPANY,  
    n/k/a BAYER CROPSCIENCE INC.,  
ANCHOR PACKING COMPANY,  
AQUA-CHEM, INC.,  
BAXTER HEALTHCARE CORPORATION,  
    Individually and as successor in interest to AMERICAN  
    HOSPITAL SUPPLY CORP.  
and AMERICAN SCIENTIFIC  
    PRODUCTS,  
BAXTER INTERNATIONAL INC.,  
    Individually and as successor in interest to  
    AMERICAN HOSPITAL SUPPLY CORP.,  
    and AMERICAN SCIENTIFIC PRODUCTS,  
BECKMAN COULTER, INC.,  
CBS CORPORATION, a Delaware Corporation,  
    f/k/a VIACOM INC. successor by merger to CBS  
    CORPORATION, a Pennsylvania Corporation,  
    f/k/a WESTINGHOUSE ELECTRIC CORPORATION,  
CERTAIN TEED CORPORATION,  
CORNING GLASS,  
    k/n/a CORNING INCORPORATED,  
E.I. DUPONT DE NEMOURS and COMPANY,  
EMPIRE-ACE INSULATION MFG. CORP.,  
FISHER SCIENTIFIC INTERNATIONAL INC.,  
GARLOCK SEALING TECHNOLOGIES LLC,  
    f/k/a GARLOCK INC.,  
INGERSOLL-RAND COMPANY,  
J.H. FRANCE REFRACTORIES COMPANY,  
KEWAUNEE SCIENTIFIC CORPORATION,  
LENNOX INDUSTRIES, INC.,  
MANORCARE HEALTH SERVICES, INC.,  
    d/b/a MANOR CARE, INC.,  
    Individually and as successor to  
    PRECISION-COSMET COMPANY, INC.,  
    CENTRAL SCIENTIFIC COMPANY,  
    a division of CENCO INCORPORATED;  
    CENTRAL SCIENTIFIC COMPANY,  
    a division of CENCO INSTRUMENTS CORPORATION,  
PREMIER REFRACTORIES, INC.,  
    f/k/a ADIANCE, INC.,  
    f/k/a BMI,

LAW OFFICES  
OF  
WEITZ  
&  
LUXENBERG, P.C.  
180 MAIDEN LANE  
NEW YORK, N.Y. 10038

RAPID-AMERICAN CORPORATION,  
RHEEM MANUFACTURING COMPANY, INC.,  
Individually and as successor to  
RHEEM MANUFACTURING COMPANY,  
as successor by merger to CIVESTCO, INC.,  
UNIVAR USA INC.,  
Individually and as successor to VAN WATERS  
& ROGERS INC., BRAUN CHEMICAL COMPANY  
and WILL SCIENTIFIC, INC.,  
VWR INTERNATIONAL, INC.,

Defendants.

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Plaintiff(s), CHRISTIAN F HOLINKA, by their attorneys WEITZ &  
LUXENBERG, P.C., upon information and belief, at all times hereinafter mentioned alleges as  
follows:

1. Plaintiff(s), CHRISTIAN F HOLINKA, by their attorneys, WEITZ &  
LUXENBERG, P.C., for their **verified complaint** respectfully alleges:
2. Defendant AQUA-CHEM, INC., was and still is a duly organized  
domestic corporation doing business in the State of New York.
3. Defendant AQUA-CHEM, INC., was and still is a duly organized foreign  
corporation doing business and/or transacting business in the State of New York and/or should  
have expected its acts to have consequences within the State of New York.
4. Defendant BAXTER HEALTHCARE CORPORATION, Individually and  
as successor in interest to AMERICAN HOSPITAL SUPPLY CORP. and AMERICAN  
SCIENTIFIC PRODUCTS, was and still is a duly organized domestic corporation doing  
business in the State of New York.
5. Defendant BAXTER HEALTHCARE CORPORATION, Individually and  
as successor in interest to AMERICAN HOSPITAL SUPPLY CORP. and AMERICAN  
SCIENTIFIC PRODUCTS, was and still is a duly organized foreign corporation doing business

and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

6. Defendant BAXTER INTERNATIONAL INC., Individually and as successor in interest to AMERICAN HOSPITAL SUPPLY CORP., and AMERICAN SCIENTIFIC PRODUCTS, was and still is a duly organized domestic corporation doing business in the State of New York.

7. Defendant BAXTER INTERNATIONAL INC., Individually and as successor in interest to AMERICAN HOSPITAL SUPPLY CORP., and AMERICAN SCIENTIFIC PRODUCTS, was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

8. Defendant BECKMAN COULTER, INC., was and still is a duly organized domestic corporation doing business in the State of New York.

9. Defendant BECKMAN COULTER, INC., was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

10. Defendant CORNING GLASS, k/n/a CORNING INCORPORATED , was and still is a duly organized domestic corporation doing business in the State of New York.

11. Defendant CORNING GLASS, k/n/a CORNING INCORPORATED , was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

12. Defendant E.I. DUPONT DE NEMOURS and COMPANY, was and still is a duly organized domestic corporation doing business in the State of New York.



13. Defendant E.I. DUPONT DE NEMOURS and COMPANY, was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

14. Defendant FISHER SCIENTIFIC INTERNATIONAL INC., was and still is a duly organized domestic corporation doing business in the State of New York.

15. Defendant FISHER SCIENTIFIC INTERNATIONAL INC., was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

16. Defendant LENNOX INDUSTRIES, INC., was and still is a duly organized domestic corporation doing business in the State of New York.

17. Defendant LENNOX INDUSTRIES, INC., was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

18. Defendant MANORCARE HEALTH SERVICES, INC., d/b/a MANOR CARE, INC., Individually and as successor to PRECISION-COSMET COMPANY, INC., CENTRAL SCIENTIFIC COMPANY, a division of CENCO INCORPORATED; CENTRAL SCIENTIFIC COMPANY, a division of, was and still is a duly organized domestic corporation doing business in the State of New York.

19. Defendant MANORCARE HEALTH SERVICES, INC., d/b/a MANOR CARE, INC., Individually and as successor to PRECISION-COSMET COMPANY, INC., CENTRAL SCIENTIFIC COMPANY, a division of CENCO INCORPORATED; CENTRAL SCIENTIFIC COMPANY, a division of, was and still is a duly organized foreign corporation

doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

20. Defendant RHEEM MANUFACTURING COMPANY, INC., Individually and as successor to RHEEM MANUFACTURING COMPANY, as successor by merger to CIVESTCO, INC., was and still is a duly organized domestic corporation doing business in the State of New York.

21. Defendant RHEEM MANUFACTURING COMPANY, INC., Individually and as successor to RHEEM MANUFACTURING COMPANY, as successor by merger to CIVESTCO, INC., was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

22. Defendant UNIVAR USA INC., Individually and as successor to VAN WATERS & ROGERS INC., BRAUN CHEMICAL COMPANY and WILL SCIENTIFIC, INC., was and still is a duly organized domestic corporation doing business in the State of New York.

23. Defendant UNIVAR USA INC., Individually and as successor to VAN WATERS & ROGERS INC., BRAUN CHEMICAL COMPANY and WILL SCIENTIFIC, INC., was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

24. Defendant VWR INTERNATIONAL, INC., was and still is a duly organized domestic corporation doing business in the State of New York.

25. Defendant VWR INTERNATIONAL, INC., was and still is a duly organized foreign corporation doing business and/or transacting business in the State of New York and/or should have expected its acts to have consequences within the State of New York.

Plaintiff(s), CHRISTIAN F HOLINKA, repeats and realleges NYAL - WEITZ &  
LUXENBERG, P.C. STANDARD ASBESTOS COMPLAINT FOR PERSONAL INJURY No.

7 as if fully incorporated herein as it pertains to the defendants in the aforementioned caption.

Dated: *September 29, 2006*  
New York, New York

Yours, etc.,

WEITZ & LUXENBERG, P.C

Attorneys for Plaintiff(s)  
180 Maiden Lane  
New York, NY 10038  
(212) 558-5500

LAW OFFICES  
OF  
WEITZ  
&  
LUXENBERG, P.C.  
180 MAIDEN LANE  
NEW YORK, N.Y. 10038

Index No.:

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

CHRISTIAN F HOLINKA,

Plaintiff(s),

-against-

A.W. CHESTERTON COMPANY, et. al.,

Defendants.

**SUMMONS and COMPLAINT**

**WEITZ & LUXENBERG, P.C.**  
Attorneys for PLAINTIFFS  
180 Maiden Lane  
New York, NY 10038  
212-558-5500

To  
Attorney(s) for

Service of a copy of the within  
is hereby admitted.

Dated, September 29, 2006

.....  
Attorney(s) for

06114120